

was never the subject of any FBI investigation or ever accused of any wrongdoing.

Despite her full cooperation with the Federal Bureau of Investigation, ultimately the FBI found no evidence to support the allegations against her—none.

When President Obama looked at Ambassador Aponte's record of public service, he nominated her to serve as America's Ambassador to El Salvador in 2009. Once again, the critics raised the same allegations about her former relationship, even though they had been thoroughly investigated and dismissed and discredited by the Federal Bureau of Investigation.

Senator DEMINT of South Carolina objected to her nomination. He was the only Senator objecting. So this time around, the chairman of the Foreign Relations Committee, Senator JOHN KERRY of Massachusetts, along with Senator MENENDEZ, our only Hispanic Senator on the Democratic side, from the State of New Jersey, made an unprecedented move. They said to Senator DEMINT of South Carolina: We will allow you to personally review the FBI files on Ambassador Aponte.

So Senator DEMINT appeared to raise a new objection to Aponte at that point. And listen to this one: This objection—new one—by Senator DEMINT stems from an editorial the Ambassador wrote in a popular El Salvadoran newspaper in June about Lesbian, Gay, Bisexual, and Transgender Pride Month. The article was entitled “For the elimination of prejudices wherever they exist.” Her op-ed disavowed violence and hatred against individuals based on their sexual orientation, urging education and understanding. Those are hardly radical ideas. Most Members of the Senate—at least, let's say, many Members of the Senate—have given speeches along these lines.

Well, the Senator from South Carolina calls this op-ed provocative and argues that it is disrespectful of El Salvador's culture and that it inflamed tensions with an important ally. There is no evidence to support what he said—none.

To the contrary, El Salvador itself had already taken—before she published this editorial—steps toward more equal rights with the passage of Decree 56 in May 2010. That law prohibits all forms of discrimination by the Government of El Salvador based on sexual orientation—just what the Ambassador had asked for in her editorial.

Decree 56 was signed 1 year before Ambassador Aponte wrote her article, 4 months before she was sworn in as Ambassador. The record is there.

El Salvador reaffirmed its national commitment to equality again last June when it joined the United States and more than 80 other nations in signing the declaration for the elimination of violence against the lesbian, gay, bisexual, and transgender community during the Human Rights Council of the United Nations.

Let me also note that Ambassador Aponte wrote that op-ed pursuant to cables from the State Department that went out to all ambassadors around the world, suggesting they write similar pieces or hold a related event. In fact, similar editorials to what Ambassador Aponte wrote were written and events were held at American embassies and posts all around the world.

Why is one Senator picking on this Ambassador? Quite simply, the nomination of a U.S. Ambassador to a strategically important ally such as El Salvador is no time for a political debate that has little or nothing to do with time-honored and accepted principles in the United States and around the world.

Ambassador Aponte deserves a vote in the Senate based on her work, her achievements, and her demonstrated ability to effectively advocate for the United States in El Salvador.

She has been thoroughly vetted by the FBI and the State Department, as is every nominee. She has passed two separate top secret security clearances. She has shown she is able to work with Salvadoran leaders and achieve way beyond what many believed could be achieved because of her skill.

We live in challenging times. Our ambassadors are the eyes and ears of America around the world. Some of the posts they serve in are very dangerous. Look at what Ambassador Robert Ford has been doing in Syria amid that country's upheaval. Blocking qualified and talented Americans from serving in El Salvador or any place in the world is not in America's best long-term interests.

During our recent Foreign Relations Committee markup, which the Acting President pro tempore attended, related to Ambassador Aponte's nomination, Chairman KERRY offered Senator DEMINT another opportunity to review all the materials we have regarding Ambassador Aponte. I hope he took advantage of that offer. Should he still oppose her nomination, I disagree with him, of course, but respect his rights in the Senate. He can register his vote along with the other Senators. But I certainly hope this critical and important nomination will not be unfairly held up and discredited with another filibuster. It is time for the Senate to move beyond filibusters, to work in an effort to try to solve our problems.

#### PAYROLL TAX CUT

Mr. DURBIN. Mr. President, there was a recent survey of how many families in America have an immediate member of the family who is serving in the military. The number is one of the lowest in history. It turns out the families who actually know someone or have someone serving in the military are a small percentage of this great Nation.

My family has a nephew serving in Afghanistan with the 10th Mountain Division. Not long ago, as a college stu-

dent, he worked as a doorman here in the Senate. But Michael is now serving overseas in Afghanistan. I think about him all the time. I send him boxes of things. I do not know if he will have any use for them or enjoy them, but it is my way of reminding him we do not forget him.

We have a big family, and I am sure he gets plenty of stuff. I know some of that must be a joy for him to receive. But more important than any material sent to him, I hope it is an expression of how we feel about him, about the sacrifice he is making, as so many others are making, thousands around the world, as we meet in the safety of this Senate Chamber.

We ask an awful lot of our men and women in uniform. We ask them to risk their lives for America. Many come back injured. Some do not return, having given that promise and that pledge. They make a sacrifice which many of us have never been asked to make.

I think about that in terms of the debate we enter into this week in the Senate. We are trying to turn this economy around because so many people are out of work. Businesses are struggling. The President put forward a jobs bill and has for months been pushing for its passage. We have considered a lot of parts of it.

One part relating to veterans we actually agreed on. It was a breakthrough. I am glad we did. But when it came to all of the others, the million who are out of work in America, there is still wide disagreement. We hope to finish this matter this week and head home for the holidays where we all want to be. But, unfortunately, we are embroiled in a political fight again. The fight is over something very basic. It is this: Should we ask the wealthiest in America to pay a little more in taxes so that we can provide a payroll tax cut for almost 160 million Americans? That is it.

What we hear from the other side of the aisle over and over again is, no; we cannot impose a new burden on the wealthiest in America. We cannot ask any more sacrifice from people who are already earning at least—at least—\$1 million a year. I thought about that. I thought about my nephew and so many like him who sacrifice every single day for this great Nation, and to think that we could not ask the wealthiest among us to pay a little more in taxes to help us get out of this recession and put America back to work.

Those two things, unfortunately, are in sharp contrast. I think it is time for us to pass this payroll tax cut. It is desperately needed. We need to maintain our unemployment insurance because we still have too many people out of work: four unemployed Americans for every available job. That is a fact. Things are getting better slowly but too slowly. In the meantime, these people are looking every single day for a job while they do their best to keep their families together, to keep their

families with the basics in life, to make sure they pay the rent, the mortgage, the utility bills.

The first casualty in many of these families is health insurance. Can you imagine raising children not knowing if one trip to the emergency room will be something you could never hope to afford. Unemployment benefits allow people to keep their families together and to continue looking for work.

I urge my colleagues, before we consider leaving for the holiday season, let's get the job done. President Obama has made it clear. He will not allow us to go home until we get this job done. Extend the payroll tax cut for 160 million Americans; maintain unemployment benefits for those millions who are counting on them to put bread on the table and keep their families together during a very difficult time and let's pass a spending bill. We agreed on the limits on what we would spend. Let's pass the bill now in a bipartisan fashion. I hope we can reach that point.

One last point. I now hear the Republican Senate leader come to the floor and tell us this entire debate, this entire breakdown, all the problems we have had is about an oil pipeline. Now, I did not know that until last week. I wish he would have spoken up a lot earlier, that an oil pipeline, the Keystone Pipeline, which has been controversial, has to be part of any deal. He said at one point that it may even create 20,000 jobs.

I am quick to remind my colleague, there are 14 million Americans out of work and 160 million counting on this payroll tax cut. So 20,000 jobs is important. I would love to see every job we can responsibly bring to this country. But let's not stop the business of government, let's not stop helping this economy recover over one issue, whatever it may be—whether it is a pipeline or whatever it may be.

We owe to the people who sent us here to respect them, to show that we will do our best to keep this country moving forward and do it in the name of so many of our men and women in uniform who are sacrificing today as we meet in the safety and security of this Chamber.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BLUMENTHAL). Without objection, it is so ordered.

#### SPENDING AND TAXES

Mr. HATCH. Mr. President, over the last few weeks the Senate has been engaged in a familiar exercise. The Democratic majority, urged on by the President, offers up an increase in spending to be paid for by an increase

in taxes. If anything, this familiar refrain should cement in the minds of the American people that President Obama and his congressional allies remain committed to a policy of tax and spend. Let's not mistake any of this for carefully designed stimulus spending or tax policy. No, the series of tax-and-spend proposals brought to the Senate floor during the past few months were designed for political reasons only. It remains unclear what any of this has to do with job creation. In fact, I suspect that much of this bread and circus routine is meant to distract the families and taxpayers from the President's mediocre record on job creation and economic growth.

For months the Senate has been asked to consider higher taxes, including surtaxes on the so-called rich to pay for whatever the Democrats have settled on as their spending idea of the week. Most of those ideas were sold as stimulus even though they include things such as an infrastructure bank, which would be a brandnew GSE to gobble taxpayer resources—just like Fannie and Freddie—and which would take years just to get off the ground. Most of the ideas have been designed to appease Democratic constituencies—mostly unions—and to construct campaign-season talking points attacking Republicans for their failure to increase taxes on the evil rich in order to pay for the Democrats' spending sugar highs. The focus on politics has become such a priority for the President that he is now in the unusual position of making a raid on Social Security's trust funds his principal policy objective.

At first, to pay for the very massive new stimulus plan of the President's, the Democrats wanted to limit deductions for people earning \$200,000 or more, which in September was evidently how they defined the so-called rich. Next came a proposed surtax of 5.6 percent on people earning \$1 million or more to pay for the President's stimulus scheme. We can't be sure, but I suspect this jump in the income threshold for the Democrats' tax increases came when high-income Democrats in high-income jurisdictions such as New York, California, and New Jersey made it clear that this is where they had to part company with the President. Next came a surtax of 0.5 percent on high-income earners to give funds to States to help pay mostly union workers. Then came a surtax of 0.7 percent on those earners to help pay for a new Fannie and Freddie called an infrastructure bank. This was followed by a surtax of 3.25 percent on those earners for a payroll tax expenditure. Finally came a surtax of 1.9 percent on those earners for the payroll tax expenditure.

The pattern is clear: Democrats roll out their stimulus spending plan of the week, find out how much it will cost, and then find out what surtax to slap on high earners, including business income recipients. That is how we get

tax proposals with rates of 5.6 percent, then 0.5 percent, then 0.7 percent, then 3.25 percent, and then 1.9 percent. Who knows what will come next. Never mind that businesses across this country have been clear that massive uncertainty about the current administration's policies, regulations, and tax increases is holding back their hiring, job creation, and the economy. People are uncertain about what their future health care costs will be, what their future energy costs will be, what their future regulatory environment will be, and what their future taxes will be. Given the past few months of tax rate roulette being played by the Democrats, is it any wonder that families and businesses are uncertain and pessimistic about the future?

These tax rates have nothing to do with designing optimal tax policy and everything to do with scoring cheap political points and growing an already bloated Federal Government. These tax rates have nothing to do with engineering greater wealth or income equality through the Tax Code. These tax rates have nothing to do with creating a foundation for growth in jobs and the economy. They have everything to do with paying for politically favored, poll-tested stimulus spending.

In the President's \$800 billion-plus stimulus of 2009, we were told that the measures would be temporary and we would "pivot" later to fiscal austerity. But the promised pivot never comes. Still today we are told to spend more now and pivot later, but the promised pivots never come. Unfortunately, unless we pivot, we will run off a budgetary cliff and face the deficit and debt crisis plaguing Europe today.

These tax rates recently proposed by Democrats have nothing to do with long-term economic growth and more to do with the President's vision of government as the benevolent allocator of people's hard-earned income. Not content with his average deficits being close to 25 percent of the entire size of our economy—which we have not seen since the years surrounding World War II—the President and my Democratic friends here in the Senate want to permanently enshrine a European-sized government in the American economy. They don't just want additional infrastructure spending, they want a brandnew government bureaucracy free of Congress to tax and spend. They want an all-powerful, unchecked government czar to control the provision and costs of consumer credit cards. They want an overzealous EPA to control reliable sources of energy no matter what the cost of their policies. They want an activist Labor Department to control how workers and companies can bargain to control where they can operate a business and to push people into their union voting base whether they support the union or not. The President's pursuits are not those of someone who thinks that in certain instances government is constitutionally authorized to act and can occasionally do some good. His record is